

## **IC 20-33-5**

### **Chapter 5. Financial Assistance for Students**

#### **IC 20-33-5-1**

##### **Definitions; family income to be used to determine financial eligibility**

Sec. 1. (a) As used in this chapter, "school corporation" includes a charter school.

(b) As used in this chapter, "governing body" includes the organizer of a charter school.

(c) The maximum monthly or annual gross income available to a family shall be used to determine financial eligibility for assistance under this chapter.

(d) In determining the eligibility of a seasonal worker for assistance under this chapter, an average shall be made of the family's income for the twelve (12) calendar months preceding the first day of the month in which the application is made.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-5-2**

##### **Procedures to qualify for assistance; financial eligibility standard**

Sec. 2. The department shall adopt procedures that must be followed by applicants in order for them to qualify for assistance under this chapter. These procedures must include obtaining information needed by the family and social services administration to determine if the recipient is a child who is a member of a qualifying family (as defined in IC 12-14-28-1), including the familial relationship of the child to the head of the household. The financial eligibility standard for an applicant under this chapter must be the same criteria used for determining eligibility for receiving free or reduced price lunches under the national school lunch program.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-5-3**

##### **Qualified parents; payment of fees by school corporation; reimbursement**

Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in kindergarten or grades 1 through 12, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for curricular materials, supplies, or other required class fees. The fees shall be paid by the school corporation that the child attends.

(b) The school corporation may apply for a reimbursement under section 7 of this chapter from the department of the costs incurred under subsection (a).

(c) To the extent the reimbursement received by the school corporation is less than the rental fee assessed for curricular materials, the school corporation may request that the parent or emancipated minor pay the balance of this amount.

*As added by P.L.1-2005, SEC.17. Amended by P.L.73-2011, SEC.19;*

*P.L.286-2013, SEC.112.*

#### **IC 20-33-5-4**

##### **Application forms**

Sec. 4. The department shall provide each school corporation with sufficient application forms for assistance under this chapter. The state board of accounts shall prescribe the forms to be used.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-5-5**

##### **Notice to parents**

Sec. 5. All school corporations must give notice in nontechnical language and in a manner that can be reasonably expected to reach parents of students before the collection of any fees for schoolbooks and supplies. This notice must inform the parents of the following:

- (1) The availability of assistance.
- (2) The eligibility standards.
- (3) The procedure for obtaining assistance, including the right and method of appeal.
- (4) The availability of application forms at a designated school office.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-5-6**

##### **Assistance in completion of forms; determination of financial eligibility; appeal; hearing**

Sec. 6. (a) All school corporations must give appropriate application forms to parents who wish to apply for assistance under this chapter. The school shall provide assistance to those applicants who are unable to write or otherwise make a written application. The parent shall submit the completed application to the school corporation. The school corporation shall make a determination of financial eligibility.

(b) If the school corporation makes a determination that the parent is ineligible based on the information in the application, the school corporation shall give the parent written reasons for the denial and inform the parent of the right to request a hearing before the governing body of the school corporation or the governing body's designee. After the determination, the school corporation may bill the parent for the student's fees, but the school corporation may not take any legal action against the parent until the parent has had the opportunity to make an appeal in a hearing before the governing body of the school corporation or the governing body's designee. If the parent pays the fees based on the school corporation's determination, and after the appeal it is determined that the parent qualifies for assistance, the school corporation shall reimburse the parent.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-5-7**

##### **Public schools; textbook assistance; state reimbursement**

Sec. 7. (a) If a determination is made that the applicant is eligible for assistance, the school corporation shall pay the cost of the student's required fees.

(b) A school corporation shall receive a reimbursement from the department for some or all of the costs incurred by a school corporation during a school year in providing curricular materials assistance to students who are eligible under section 2 of this chapter.

(c) To be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:

(1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;

(2) the costs incurred by the school corporation in providing:

(A) curricular materials (including curricular materials used in special education and high ability classes) to these students;

(B) workbooks, digital content, and consumable curricular materials (including workbooks, consumable curricular materials, and other consumable instructional materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year; and  
(C) instead of the purchase of curricular materials, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs;

(3) that the curricular materials described in subdivision (2)(A) (except curricular materials used in special education classes and high ability classes) have been adopted by the governing body; and

(4) any other information required by the department.

(e) Each school within a school corporation shall maintain complete and accurate information concerning the number of students determined to be eligible for assistance under this chapter. This information shall be provided to the department upon request.

(f) Parents receiving other governmental assistance or aid that considers educational needs in computing the entire amount of assistance granted may not be denied assistance if the applicant's total family income does not exceed the standards established by this chapter.

(g) The amount of reimbursement that a school corporation is entitled to receive shall be determined as provided in section 9.5 of this chapter.

*As added by P.L.1-2005, SEC.17. Amended by P.L.73-2011, SEC.20; P.L.229-2011, SEC.192; P.L.286-2013, SEC.113.*

#### **IC 20-33-5-7.5**

#### **Estimate of students eligible for assistance**

Sec. 7.5. (a) If a school corporation does not request reimbursement under this chapter before April 1 of a particular school year, the school corporation shall, before the following June 1 of that year, estimate and report to the department the percentage of the school corporation's students who are enrolled in the school corporation and are eligible for assistance under this chapter.

(b) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.

*As added by P.L.37-2014, SEC.1.*

#### **IC 20-33-5-8**

##### **Repealed**

*(Repealed by P.L.229-2011, SEC.275.)*

#### **IC 20-33-5-9**

##### **Nonpublic schools; textbook assistance; state reimbursement**

Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section 7 of this chapter.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

- (1) the appropriate application forms; and
- (2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) To be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

- (1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;
- (2) the costs incurred in providing:
  - (A) curricular materials (including curricular materials used in special education and high ability classes); and
  - (B) workbooks, digital content, and consumable curricular materials (including workbooks, consumable curricular materials, and other consumable teaching materials that are

- used in special education and high ability classes) that are used by students for not more than one (1) school year;
- (3) that the curricular materials described in subdivision (2)(A) (except any curricular materials used in special education classes and high ability classes) have been adopted by the governing body; and
- (4) any other information required by the department.

(h) The amount of reimbursement that a parent or emancipated minor is entitled to receive shall be determined as provided in section 9.5 of this chapter.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) Section 7(f) of this chapter applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

(l) The state board shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.1-2005, SEC.17. Amended by P.L.42-2011, SEC.37; P.L.73-2011, SEC.21; P.L.229-2011, SEC.193; P.L.286-2013, SEC.114.*

### **IC 20-33-5-9.5**

#### **Reimbursement formula**

Sec. 9.5. (a) This section applies to reimbursements made under this chapter in the state fiscal year beginning after June 30, 2013.

(b) The amount of reimbursement that a school corporation or an accredited nonpublic school is entitled to receive under section 7 of this chapter in a state fiscal year is equal to the amount determined in the following STEPS:

STEP ONE: Determine the amount appropriated to make reimbursements under this chapter for the state fiscal year.

STEP TWO: Determine the total number of eligible students for which reimbursement was requested under either section 7 or 9 of this chapter before November 1 of the previous calendar year by all school corporations and accredited nonpublic schools.

STEP THREE: Divide the result determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the number of eligible students for which reimbursement was requested under section 7 or 9 of this chapter before November 1 of the state fiscal year by the school corporation or the accredited nonpublic school.

*As added by P.L.229-2011, SEC.194. Amended by P.L.205-2013, SEC.258.*

### **IC 20-33-5-10**

#### **Repealed**

*(Repealed by P.L.229-2011, SEC.275.)*

### **IC 20-33-5-11**

#### **Failure of parent to pay fees**

Sec. 11. (a) A school corporation may not:

- (1) withhold curricular materials and supplies;
- (2) require any special services from a child; or
- (3) deny the child any benefit or privilege;

because the parent fails to pay required fees.

(b) Notwithstanding subsection (a), a school corporation may take any action authorized by law to collect unpaid fees from parents who are determined to be ineligible for assistance, including recovery of reasonable attorney's fees and court costs in addition to a judgment award against those parents.

*As added by P.L.1-2005, SEC.17. Amended by P.L.286-2013, SEC.115.*

### **IC 20-33-5-12**

#### **Payment of fees for unqualified individuals**

Sec. 12. Under extraordinary circumstances, the township trustee may pay for the fees enumerated in section 3 of this chapter for individuals who do not otherwise qualify under the financial eligibility standard established in this chapter. Assistance in such cases may be provided by the township trustee under IC 12-20.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-5-13**

#### **Shoes and clothing; financial assistance; clothing bank; establishment by school corporation**

Sec. 13. (a) Financial assistance for shoes and clothing shall be provided directly by the township trustee under IC 12-20 to parents who do not have sufficient means to furnish the shoes and clothing needed by the children to attend school.

(b) A school corporation may establish a clothing bank to provide for children's clothing needs on an emergency basis.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-5-14**

#### **School curricular material reimbursement contingency fund**

Sec. 14. (a) The school curricular materials reimbursement contingency fund is established to reimburse school corporations, eligible parents of children who attend accredited nonpublic schools, and emancipated minors who attend accredited nonpublic schools as provided in section 9 of this chapter for assistance provided under this chapter. The fund consists of money appropriated to the fund by the general assembly. The state superintendent shall administer the fund.

(b) The treasurer of state shall invest the money in the school

curricular materials reimbursement contingency fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

*As added by P.L.1-2005, SEC.17. Amended by P.L.286-2013, SEC.116.*

**IC 20-33-5-15**

**Assistance in completion of twenty-first century scholars program enrollment form**

Sec. 15. (a) Each school corporation shall provide each student who applies for free or reduced priced lunches under the national school lunch program with an enrollment form for the twenty-first century scholars program under IC 21-12-6.

(b) The department shall provide each school corporation with sufficient application forms under this section.

(c) Each school shall give assistance in reading the instructions and completing the enrollment forms for the twenty-first century scholars program.

*As added by P.L.9-2009, SEC.1.*